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Attorneys for Defendants Romi Mayder, Silicon Test Systems Inc., and Silicon Test Solutions LLC

United States District Court  
Northern District of California, San Jose Division

VERIGY U.S. INC., a Delaware corporation

Plaintiff,

vs.

ROMI OMAR MAYDER, an individual;  
WESLEY MAYDER, an individual;  
SILICON TEST SYSTEMS INC., a  
California corporation; SILICON TEST  
SOLUTIONS LLC, a California limited  
liability corporation,

Defendants.

Case No. 5:07-cv-04330 (RMW) (HRL)

**Declaration of Kevin M. Pasquinelli in Support  
of Defendants' Opposition to Verigy's Notice of  
Motion and Motion to Shorten Time on It's  
Motion for Protective Order**

Judge: Hon. Howard R. Lloyd

Ctrm: 2

Trial Date: None Set

1 I, Kevin M. Pasquinelli, declare as follows:

2 1. I am an attorney licensed to practice law before the courts of the State of California. I  
3 am an associate with the law firm of Mount & Stoelker, P.C. I have personal knowledge of the  
4 facts set forth in this declaration, and if called to do so, I could and would competently testify  
5 thereto.  
6

7 2. I submit this declaration in support of *Defendants' Opposition to Verigy's Notice of*  
8 *Motion and Motion to Shorten Time on Its Motion for Protective Order.*

9 3. On 5/13/2008 I received *Verigy's Notice of Motion and Motion to Shorten Time on Its*  
10 *Motion for Protective Order Relieving Verigy Of Duty To Respond to Second Set of Requests for*  
11 *Admission Propounded by Defendants; Supporting Memorandum of Points and Authorities.*

12 4. On 12/18/2007 Defendants' propounded on Verigy *Defendants Second Set of Requests*  
13 *for Production of Documents on Plaintiff Verigy.*  
14

15 a. I received responses to this request, but no production of documents. I was told  
16 that production would occur on a "rolling basis." (e.g. multiple productions)

17 b. On about 2/8/08 I received production of approximately two hundred (200) pages  
18 of documents from Verigy on a CD ROM. I observed that the documents consist  
19 mostly of sign in sheets, privacy policies and a standard version of Verigy's  
20 Confidential Disclosure Agreement ("CDA").

21 c. On March 12, 2008 I informed Verigy counsel that the production appeared  
22 insufficient and asked when a responsive production would be forthcoming.  
23

24 d. On March 13, 2008 Ms. Melinda Morton, counsel for Verigy, informed me that  
25 additional documents would be produced next week, implying that documents  
26 concerning the trade secrets would be forthcoming.  
27  
28

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- e. On about 3/21/2008 I received 9 pages of documents produced in this case as attachments to emails. The attachments contained two signed Non-Disclosure Agreements, and one blank sign-in log.
- f. On April 10, 2008 Defendants filed a motion to compel production of responsive documents.
- g. On about 4/25/2008 Verigy offered to negotiate stipulations rather than produce documents.
- h. The parties stipulated to an updated motion schedule, requesting the court to approve a one week delay. The court granted a three week extension. Exhibit B is a true and correct copy of the courts order.

5. On 4/2/2008 Defendants' propounded on Verigy *Defendants Requests for Admission, Set One Propounded on Plaintiff Verigy*. Subsequently, Defendants graciously granted a three (3) day extension to respond.

6. On 4/13/2008 Defendants' propounded on Verigy *Defendants Requests for Admission, Set Two Propounded on Plaintiff Verigy*.

- a. One of the RFA's merely requests admission that Verigy has responded to prior Requests for Production of Documents only after performing a diligent search.
- b. Thirty-one (31) of the RFA's merely request admission that Verigy USA has shared no intellectual property, including trade secrets, with its separate "sister" companies, as organized under its parent company Verigy, Ltd.
- c. RFA's 100 through 335 merely request admission that for each of **Verigy's claimed trade secrets** in its Initial 2019.210 disclosure that it possesses no documents proving that Defendants misappropriated that trade secret.

1 d. Under Federal Rule of Civil Procedure (FRCP) 36 Verigy had thirty (30) days to  
2 respond, May 14, 2008.

3 e. I granted Verigy a three week extension to respond to the RFA's, moving out the  
4 deadline to respond to June 10, 2008.

5 Exhibits:

6 7. Attached as Exhibit A is a true and correct copy of Honorable Judge Whyte's minute  
7 order filed after the 3/14/2008 CMC.

8 8. Attached as Exhibit B is a true and correct copy of this Court's three week extension  
9 to regarding the Motion to Compel.

10 I declare under penalty of perjury under the laws of the United States of America that the  
11 foregoing is true and correct and that this declaration was executed this 16th day of May, 2008 in San  
12 Jose, California.

13 \_\_\_\_\_  
14 /s/

15 Kevin M. Pasquinelli  
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**Exhibits List**

Exhibit A: Honorable Judge Whyte's Minute Order filed after the 3/14/2008 CMC.

Exhibit B: Honorable Judge Lloyd's Order granting extension of time to hear Motion to Compel.

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

\*E-FILED\*

CIVIL MINUTES

DATE: March 14, 2008

Case No. C-07-04330-RMW

JUDGE: Ronald M. Whyte

VERIGY US, INC.

-V- ROMI OMAR MAYDER, et al.

Title

M. Morton

D. Mount & K. Pasquinelli

Attorneys Present

Attorneys Present

COURT CLERK: Jackie Garcia

COURT REPORTER: Not Reported

PROCEEDINGS

CASE MANAGEMENT CONFERENCE

ORDER AFTER HEARING

Hearing Held. The parties had a mediation session and was unsuccessful. The parties are to meet and confer as to the trade secret list. The parties are to do a limited amount of discovery. Plaintiff to do third party subpoena and document request; Defendant to do request for admissions and interrogatories. The Court set a Further Case Management Conference for 5/23/08 @ 10:30 am. The Court to look into the issue of listing damages as stated in the standing order.

DATE REC'D/ORIG 3-19-08

FILE # 81725001

CALND BY mm APPROVD BY KMP

DATE 5/23/08 cmc

DATE

DATE

COPY TO CLIENT OSM, KGS  
DYE, BMP

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

\*E-FILED\*

CIVIL MINUTES

DATE: March 14, 2008

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M. Morton

Attorneys Present

D. Mount & K. Pasquinelli

Attorneys Present

COURT CLERK: Jackie Garcia

COURT REPORTER: Not Reported

PROCEEDINGS

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Attorneys for Plaintiff  
 VERIGY US, INC.

**\*ORDER E-FILED 4/29/2008\***

DATE REC'D/ORIG 4-29-08

FILE # 517ES001

CALN'D BY mm APPR'D BY KMP

DATE 6/10-motion

DATE 5/20-0208000

DATE 5/27-Reply

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

VERIGY US, INC, a Delaware Corporation

Plaintiff,

vs.

ROMI OMAR MAYDER, an individual;  
 WESLEY MAYDER, an individual; SILICON  
 TEST SYSTEMS, INC., a California Corporation;  
 and SILICON TEST SOLUTIONS, LLC, a  
 California Limited Liability Corporation,  
 inclusive,

Defendants.

Case No. C07 04330 RMW (HRL)

**STIPULATION AND PROPOSED ORDER  
 RE: BRIEFING AND HEARING  
 SCHEDULE FOR MOTION TO COMPEL**

Judge: Honorable Howard R. Lloyd  
 Ctrm: 2

Complaint Filed: August 22, 2007  
 Trial Date: None Set

STIPULATION AND PROPOSED ORDER RE BRIEFING  
 AND HEARING SCHEDULE FOR MOTION TO COMPEL

Case No. C07 04330 RMW (HRL)



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**\*ORDER E-FILED 4/29/2008\***

Attorneys for Plaintiff  
VERIGY US, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

VERIGY US, INC, a Delaware Corporation

Plaintiff,

vs.

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SCHEDULE FOR MOTION TO COMPEL**

Judge: Honorable Howard R. Lloyd  
Cttrm: 2

Complaint Filed: August 22, 2007  
Trial Date: None Set

STIPULATION AND ~~PROPOSED~~ ORDER RE BRIEFING  
AND HEARING SCHEDULE FOR MOTION TO COMPEL

Case No. C07 04330 RMW (HRL)

**STIPULATION**

Plaintiff, Verigy US, Inc. ("Verigy"), by and through its counsel of record, Bergeson, LLP and Defendants Romi Omar Mayder, an individual, Wesley Mayder, an individual, Silicon Test Systems, Inc. a California Corporation, and Silicon Test Solutions, LLC ("Defendants") by and through their counsel of record, Mount & Stoelker, PC, do hereby stipulate and agree as follows:

Whereas the parties are attempting to resolve the discovery dispute, the parties respectfully request court approval of the following modified hearing and briefing schedule, which postpones the hearing and briefing schedule by one week:

1. The hearing on Defendants' proposed motion to compel, currently set for May 20, 2008, shall be heard on May 27, 2008 at 9:00 a.m. or as soon thereafter as the Court may hear the matter;
2. Plaintiff shall file and serve their opposition to the motion no later than May 6, 2008.
3. Defendants shall file and serve any reply papers in support of their motion by May 13, 2008.

**IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

Dated: April 28, 2008

BERGESON, LLP

By: 

Melinda M. Morton, Esq.  
Attorneys for Plaintiff Verigy

Dated: April 28, 2008

MOUNT & STOELKER, P.C.

By: 

Kevin M. Pasquinelli, Esq.  
Attorneys for Romi O. Mayder, Silicon Test Systems, Inc. and Silicon Test Solutions, LLC.

1 Dated: April 28, 2008

MOUNT & STOELKER, P.C.

2  
3 By: Kevin M. Pasquinelli

Kevin M. Pasquinelli, Esq.

4 Attorney for Wesley Mayder (to the extent authority  
5 exists – substitution of counsel pending)

6  
7 **ORDER**

8 ~~In accordance with the foregoing stipulation of the parties, and with good cause appearing~~  
9 ~~therefor, the Court enters the Stipulation as an Order of the Court.~~

10 ~~IT IS SO ORDERED.~~

11 Dated: \_\_\_\_\_, 2008

By: \_\_\_\_\_

Honorable Howard R. Lloyd

UNITED STATES MAGISTRATE COURT

JUDGE

14 The parties' request for a continuance is granted. However, in view of the court's  
15 unavailability on May 27, 2008 and June 3, 2008, the hearing on defendants' motion to compel  
16 is continued to June 10, 2008, 10:00 a.m. in Courtroom 2. Plaintiff's opposition is due by  
17 May 20, 2008. Defendants' reply is due by May 27, 2008.

18  
19 Dated: April 29, 2008

